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**ON VOTING IRREGULARITIES IN THE
NOVEMBER, 2000 ELECTION AND
PROPOSALS FOR CHANGE**

BEFORE THE HOUSE ADMINISTRATION COMMITTEE

APRIL 25, 2001

Good morning, Mr. Chairman, Congressman Hoyer and distinguished members of the Committee. Thank you for the opportunity to come before you this morning on behalf of the National Association For The Advancement of Colored People and our 1700 Branches in 50 states, the District of Columbia, Germany, Japan and Korea.

The NAACP is deeply appreciative of the House Administration Committee for convening this hearing to look into the issue of voting irregularities with respect to last year's Presidential election.

We believe that this is a matter of grave concern for our nation and its people.

We also believe that perhaps tens of thousands of voters were denied their basic right to cast a free vote and to have that vote counted. While the situation in Florida obviously received the most national and media attention, the NAACP believes that Florida is in fact a microcosm of the entire country. Throughout the United States, tens of thousands of American citizens were, for one reason or another, not able to cast their vote or have their vote counted.

Furthermore, many of the voting irregularities occurred disproportionately in communities of color, so it was ethnic minority Americans who were, in disparate numbers, excluded from having our voices heard.

There was, as best as we have been able to determine, substantial unresolved allegations in Florida, Georgia, Missouri, Illinois and California as well as elsewhere of massive voter disenfranchisement in African American, Hispanic American, Haitian American and Jewish communities. The election appeared to have been conducted in such a manner that many of those same communities now believe unequivocally that it was unfair, illegal, immoral and undemocratic.

The specter of these allegations alone indisputably require that the record be made complete in terms of what did and did not happen during the election, and that action be taken now to see that the problems are corrected.

Because the right to vote is the most sacred franchise in a democracy, these hearings, as uncomfortable as they might be to some, must challenge all Americans to focus again on the thorny issue of equal protection under law and whether or not such a protection was afford to duly registered voters who went to the polls on election day, November, 2000.

In Florida, as well as California, Illinois and Georgia, among other places, every survey of fact that was conducted after the election has shown that the greater the percentage of black voters in a precinct the greater was the likelihood that a significant number of the ballots of those voters were never counted.

There was also a greater likelihood that computer equipment, when available at such polling places, was not adequate or on par with what was available and in use at polling places in precincts that had a relatively low or inconsequential number of African American voters.

Ask the thousands upon thousands of people who now question if their vote was ever counted, often because of where they live or the color of their skin, and they will tell you without hesitation that they feel violated and robbed.

The national response to this has been a flurry of legislative initiatives announced and undertaken by conscientious members of the House and Senate on both sides of the aisle. If anything, the bi-partisan nature alone of the response thus far has been encouraging. However, the real test will be to see what if anything of substance emerges and is signed into law under the rubric of voting and electoral reform.

The NAACP also has a set of well thought out ideas and recommendations designed to avoid similar Election Day debacles in the future. We don't seek pride of authorship of those or any other ideas. What we do seek however is a reasonable expectation that the distinguished men and women of both chambers of Congress will work in earnest to move our nation closer toward a universal and uniform system of fairly and accurately casting and counting ballots.

Before I discuss what the NAACP feels needs to happen to correct the myriad of problems that face our nation today, let me briefly recount what took place on and around the November 7, 2000 election.

The weekend prior to the election, the NAACP began receiving calls alerting us to the fact that a person or persons were making electronic phone calls into predominately black households, claiming to represent the NAACP, in support of Republican candidate George W. Bush. These calls were apparently taking place in the key battleground states of Michigan and Florida. Specifically, the caller was identifying him- or herself as a representative of the NAACP, saying that the organization endorsed and supported the Republican candidate for President, and urged the recipient of the call to go to the polls on Tuesday and to vote accordingly.

In response to the blatantly false and extremely illegal calls, the NAACP moved quickly to make sure that the U.S. Department of Justice, as well as the Attorneys General of each state was also notified. Unable to secure a cease and desist order we used public service time on local radio stations over the next 48 hours to alert people of the false nature of the calls.

Three days later, on Election Day, NAACP local, state and national offices, began receiving an unprecedented number of complaints from citizens nation-wide who were attempting to vote saying in essence that they had been turned away from the polls or had trouble casting their ballots.

By 2pm that afternoon, with the polls still open, the number of complaints became so enormous that NAACP's Chairman and CEO, Mr. Kweisi Mfume, issued an afternoon press release calling attention to what we believed was a major, if not unprecedented disenfranchisement of voters.

Subsequent to the election, NAACP national staff, as well as several state conferences and local branches, held hearings throughout the country to investigate allegations of voter fraud, voter intimidation, as well as technical and procedural barriers that resulted in a significant number of votes not being cast or counted.

At the hearing in Florida, which took place just four days after the election, more than 700 people listened intently, and many more watched on C-SPAN as witness after witness dramatically testified about the disparate treatment between black and white voters, intimidation by election officials, bureaucratic snafus and ballot boxes that were left unattended for several days after the election. There were students who came forth to tell us of their inability to vote because they were told they were not registered when in fact they were. In other instances many male voters, including a catholic priest, were not allowed to vote because they were told that they were convicted felons when in fact they were not. And, countless others were told that even though they were in line at the time polls were closing that they too could not and would not be allowed to vote.

Since the hearing, we have also come across evidence showing that polling sites were moved without timely notice or no notice at all; voters were disenfranchised by some polls closing early; some polling places had no bilingual ballots and non-English speaking voters were denied assistance from translators; there was a disproportionate purging of votes in predominantly Black precincts in several counties; charges of voter intimidation; and inadequate training of poll workers.

Unfortunately, the Florida hearing now appears to have been a precursor of problems that are national in scope. People, as well as organizations from almost every state in the Union have come forward to talk about the problems they faced on Election Day.

We believe that it is a part of our obligation as a non-partisan organization to insist that all voters be allowed to cast an unfettered ballot and be free from intimidation and harassment as promised by the Voting Rights Act of 1965. The NAACP abhors the countless horror stories that can continue to be heard from voters across the nation, and we are incensed and bewildered that so little is being done to address this situation.

The NAACP has, therefore, developed a set of policies and procedures that we are asking every state, as well as the federal government, to adopt prior to the next election.

Like most things that challenge our gift of freedom, we must work hard to ensure that our democratic system retains its integrity. Furthermore, it is important that we act now, so as to quickly start to restore the confidence in the electoral process that was lost for many in this nation, especially in black and Latino communities.

Our policy and procedure recommendations have been crafted in response to the problems of the November 2000 election. We think that, if properly implemented, they will go a long way toward establishing uniform national voting standards that will make it easier to ensure that every American who wants to vote can.

Specifically, the NAACP is calling on the Federal government, as well as each of the 50 states to promptly enact laws, policies and procedures that secure the following:

1. Ensure non-discriminatory, equal access to the electoral process for all voters, including ethnic minorities, the elderly, handicapped / disabled individuals, overseas citizens, and members of the US Armed Services;
2. Modernize voting and counting procedures throughout the state, including voting machines and equipment, to ensure that well-defined, uniform procedures are in place so that the genuine intentions of the voters are reflected in their ballots;
3. Provide necessary and adequate funding and resources to modernize and upgrade all equipment, state-wide, so that voting procedures are uniform and consistent throughout the state;

4. Re-train all poll workers and election officials so that there is fair, equal and uniform treatment of voters across the state;
5. Launch an aggressive voter education initiative so that potential, new and existing voters are knowledgeable on how to use the equipment correctly and so their genuine intent can be easily determined;
6. Expand poll worker training and recruitment programs, utilizing the best practices from across the nation;
7. Put into place systems to maintain and easily access correct and up-to-date voter rolls using the latest technology;
8. Enhance the integrity and timeliness of absentee ballots;
9. Reexamine all existing voting policies and procedures to ensure that your state and every municipality therein is in full compliance with the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973eeet seq.), the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) and the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.);
10. Work to identify and eliminate practices which might be perceived as intimidating to certain sectors of the population;
11. Establish clear standards for bilingual ballots for language minorities and the disabled; and
12. Reexamine, simplify and standardize voter re-enfranchisement laws so that every American who is not incarcerated who wishes to vote can do so.

The NAACP realizes that these twelve proposals, taken at once, may be perceived by some as a tall order. And, while we certainly feel that any one of them, if implemented alone, would help the current situation, I cannot stress enough the need to enact all of these policies sooner rather than later. What we need is a comprehensive bill, one that addresses the myriad of problems that we encountered in November 2000. If even one American is disenfranchised in the next round of elections, in 2002, that is one too many. Only by adopting a comprehensive package of voting reforms will we be able to say that we have done all we can to make sure that our democracy is working.

I commend this committee, as well as Ranking Member Hoyer, for your work on this issue and for trying to find a solution to the problems we faced last November. I also realize that some of the recommendations that I have laid out here today are beyond this committee's jurisdiction. I would therefore urge you, in the strongest terms possible, to work with your counterparts on other committees, as well as your colleagues in the Senate, to enact an omnibus bill that does address all of the points I

have just raised. As such, I would like to bring to the committee's attention H.R. 1170, the "Equal Protection of Voting Rights Act of 2001", which was introduced by Congressman John Conyers (D-MI). Senator Christopher Dodd has introduced S. 565, a companion bill, in the Senate. This legislation, which has been referred to the House Judiciary Committee, takes a comprehensive approach to the problems identified by the NAACP and other civil and voting rights groups in the November elections.

NAACP President and CEO Kweisi Mfume has also personally written to all of the 50 governors of each state and asked that they too work hard to develop uniform standards throughout their jurisdictions. The letters will be followed up by contacts from each of the individual state conference presidents.

In short, the entire NAACP organization is determined to follow through on this issue and will do all we can to see that nothing like the November 2000 Election Day debacle is repeated.

While many Americans may decry the fact that some people's rights were trampled on last November, the NAACP is especially outraged and insulted by what happened. These are rights that people marched for and, in some cases, died for only 35 years ago. Our members and our friends remember the days, not too long ago, when it was not only legal but also acceptable for states and local municipalities to block access to the voting booth based on a person's skin color, gender, socio-economic status, or ethnicity.

It is no longer legal, but as we just recently saw, it still happens. This is not okay, and we intend to devote all our available resources, if that is what it takes, to see that the situation is rectified.

I am especially troubled and angered by the deafening silence that has fallen over the subject of the voter suppression and intimidation that occurred on Election Day across this country. It has caused the NAACP to redouble their efforts to make our voices heard in this fight to protect our rights by using every available resource, financial and otherwise, to make sure that the vote of every voter counts in all future elections.

I again thank the Chairman and members of this committee for holding this hearing and for your continued interest and activism in this area. I would welcome any questions or comments that you may have.